

MARZEC LAW FIRM, P.C.

DARIUS A. MARZEC IS LICENSED TO PRACTICE LAW IN: NEW YORK
NEW JERSEY • CONNECTICUT • MASSACHUSETTS • PENNSYLVANIA
WASHINGTON, D.C. • ILLINOIS • FLORIDA • CALIFORNIA • HAWAII

BROOKLYN OFFICE
776A Manhattan Avenue, Suite 104
Brooklyn, NY 11222
Phone: (718) 609-0303
Facsimile (718) 841-7508
dmarzec@marzeclaw.com

VIA ECF

MEMO ENDORSED

January 13, 2023

Honorable Edgardo Ramos
United States District Court
Southern District of New York
40 Foley Square, Courtroom 619
New York, New York 10007

Re: Weingeist v. Tropix, Inc., et al.
1:20-cv-00275 (ER) (SLC)

A pre-motion conference will take place via telephone on Tuesday, January 31, 2023 at 3:30 p.m. All parties are instructed to call (877) 411-9748 and enter access code 3029857# when prompted.



Edgardo Ramos, U.S.D.J.
Dated: January 16, 2023
New York, New York

Dear Judge Ramos:

We represent Plaintiff Rachel Weingeist ("Plaintiff" or "Ms. Weingeist") in the above-referenced action. We write pursuant to Your Honor's Individual Practices § 2.A.ii to request a pre-motion conference to file a Motion to Strike the Pleadings of Defendants TROPIX MEDIA & ENTERTAINMENT, TROPIX HOLDINGS LLC, TROPIX, INC. ("Corporate Defendants") and MARIO BAEZA ("Individual Defendant") (collectively "Defendants") for failing to comply with this Court's Order granting the motion to withdraw of the Law Offices of Geoffrey D. Mueller, LLC as attorneys for Defendants and ordering Defendants to retain counsel "who shall enter their appearance by January 3, 2023." Dkt. Doc. No. 145. As of the date of this letter, Defendants have not appeared by counsel and have not entered a Notice of Appearance on the docket.

In response to the letter to Your Honor of September 30, 2022 from Defendants' prior counsel concerning his request to withdraw, we noted that our client had no objection to counsel's withdrawal provided that the withdrawal does not result in a delay in this case. If this Court recalls, the case was filed on January 10, 2020, and a judgment had been rendered on November 5, 2020. Thereafter, withdrawing counsel's client moved to vacate the default judgment, a motion that was eventually granted. After Defendants filed their answer, Defendants' prior counsel continued to delay the matter and did not timely comply with all of his obligations in this case. In many instances, we were unable to reach Defendants' prior attorney. We asked only that the withdrawal would not further prejudice our client in delaying her obtaining a final judgment against Defendants.

Unfortunately, our client's concerns seem to have come to fruition, as Defendants have yet to retain substitute counsel 10-days after the expiration of Your Honor's deadline. Moreover, Defendants have failed to serve any responses to Plaintiff's document requests and interrogatories, served on September 22, 2022 per the Court's Discovery Plan, dated August 23, 2022. Accordingly, Plaintiff requests a pre-motion conference to file a Motion to Strike Defendants' Pleadings and to hold Defendants in contempt of Your Honor's Order dated November 30, 2022.

Respectfully,

/s/ Jerome Noll

Jerome Noll

DM/jn

CC: Mario Biaza (via First-Class Mail)

Steven Cohen, Esq. (via ECF)

Encl.: None